IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 412 OF 2006
IN
WRIT PETITION NO. 474 OF 1994

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

---

Mr. Chirag Balsara with M.N. Vakil and D.D. Mehta i/by Mulla & Mulla & C.B.C. for the applicant.

CORAM: P.V. KAKADE, J.

DATED: 1ST MARCH, 2006

P.C.:

1. Heard learned counsel for the applicant.

2. This is an application to seek impleading the Court Receiver in this writ petition who is already appointed in administrative suit, which is pending for the purpose of inspection of the suit premises which entails allegation that the suit premises is not used by its occupier respondent No.1.

3. Perused the contents of the application as well as the affidavit filed by one Dr. Niranjan Joshi in support of the said application. I am satisfied from the

contents of the application as well as the facts revealed from the affidavit that the purpose of the application would be lost if notice is issued to the respondent, as the application pertains to inspection of the property in order to ascertain whether it is used for the residential purpose or for the purpose of allegation in the application by the respondent. In view of this aspect, I am satisfied that ex-parte order is necessary in the interest of justice.

4. Hence, the application is made absolute in terms of prayer clauses (a) & (b).

The Court Receiver shall accordingly inspect the property in question and file his report within six weeks from the date of this order.

It is clarified that the Court Receiver shall visit the suit property as early as possible so as to make effective inspection of the property in the light of contents of

the application.

The petitioner applicant to take necessary steps for impleading the Court Receiver and issuance of direction in that regard.

The Court Receiver to act on the authenticated copy of this order.

It is clarified that the copy of the sworn affidavit was brought to my notice in the course of the hearing. The applicant is directed to produce the affidavit on record immediately.

.....